



JUDGE McMAHON
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U.S. Department of Justice

United States Attorney
Southern District of New York

DEC 27 2018

86 Chambers Street
New York, New York 10007

December 26, 2018

BY HAND DELIVERY

18 MISC 605

Hon. Colleen McMahon
Chief Judge
United States District Court
United States Courthouse
500 Pearl Street, Room 2550
New York, New York 10007

Re: Application for an Order Staying All Civil Cases in Which SDNY Civil Division
Has Appeared Pending the Restoration of Department of Justice Funding

Dear Chief Judge McMahon:

In light of the lapse in funding to the Department of Justice at the end of the day on December 21, 2018, we write respectfully to request that the Court enter an order that would (1) stay all civil cases in which this Office has appeared as counsel of record for the United States, its agencies, and employees until the business day after Congress restores Department of Justice funding, and (2) toll all court-ordered deadlines in those cases for a period of time equal to the number of calendar days between the lapse and the restoration of funding. Absent the entry of such an Order, the SDNY Civil Division may be forced to operate during any partial government shutdown in order to protect the interests of the United States.

At the end of the day on December 21, 2018, the continuing resolution that has been funding the Department of Justice will expire, and appropriations to the Department will lapse. As a result of the funding lapse, nearly all of the Assistant United States Attorneys and staff members in the Civil Division of this Office will be furloughed unless their services are necessary to protect the interests of the United States. The same is true for many of the client agencies represented by this Office in civil litigation. The Department of Justice has instructed that, under the law, furloughed AUSAs and staff are prohibited from working during the shutdown, even as volunteers.

Given the severe constraints imposed upon the Civil Division by the funding lapse, we respectfully request that the Court enter an Order staying all civil cases in which this Office has appeared as counsel of record and tolling all court-ordered deadlines, as described above. (A proposed Order is annexed hereto for the Court's convenience.) In the event Your Honor rejects the proposed Order or any District Judge in a case handled by this Office determines that a matter affected by the Court's order cannot be stayed or that the appearance or continued work of

counsel for the United States is essential during the shutdown, we respectfully request that Your Honor or the District Judge notify the undersigned Chief of the Civil Division, and we will make every effort to find a way to address the situation.

We thank the Court for its consideration of this application, and we regret any disruption caused to the Court and other litigants.

Respectfully,

GEOFFREY S. BERMAN
United States Attorney
Southern District of New York

By: _____
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Attachment